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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 TRI-DAM,

12 Plaintiff,

13 v.

14 BRYAN PREESHL and JENNIFER
15 PREESHL,

16 Defendants.
17

Case No. 1:20-cv-00571-NONE-BAM

**ORDER RE STIPULATION TO
CONTINUE DISCOVERY DEADLINES**

(Doc. 14)

18 On April 30, 2021, the parties filed a stipulation to continue all fact and expert discovery
19 deadlines. (Doc. 14.) The parties explain that they have engaged in written and document
20 discovery and have attempted to complete all depositions by April 30, 2021. However, Plaintiff
21 Tri-Dam was unable to take Defendants' depositions due to an illness suffered by Defendants'
22 counsel that rendered him unable to defend the depositions. The parties could not reset those
23 depositions and Defendants also could not set the deposition of Plaintiff before the close of fact
24 discovery. The parties agree to continue all fact and expert discovery deadlines by approximately
25 forty-five (45) days. They do not anticipate needing to continue any other deadlines in the
26 Scheduling Conference Order. (*Id.* at 2.)

27 Pursuant to the Scheduling Conference Order issued on July 22, 2020, the deadline to
28 complete non-expert discovery was April 30, 2021. (Doc. 13.) The parties filed the instant

1 request for an extension of time on the same date. Requests for Court-approved extensions filed
2 upon the date of the relevant deadline are looked upon with disfavor. *See* L. R. 144(d). Counsel
3 must “seek to obtain a necessary extension from the Court . . . as soon as the need for an
4 extension becomes apparent.” *Id.* The parties have not explained their delay in seeking the
5 requested extension of time. Nevertheless, the Court finds that counsel’s illness provides good
6 cause for the requested modification of the Scheduling Conference Order. Fed. R. Civ. P. 16(d).
7 Accordingly, IT IS HEREBY ORDERED as follows:

8 1. The parties’ request for modification of the Scheduling Conference Order is
9 GRANTED;

10 2. The discovery deadlines in the Scheduling Conference Order are CONTINUED as
11 follows:

| | |
|---------------------------------|--------------------|
| Non-Expert Discovery Cutoff | June 15, 2021 |
| Expert Disclosure | July 15, 2021 |
| Supplemental Expert Disclosure | August 16, 2021 |
| Expert Discovery Cutoff | September 15, 2021 |
| Pretrial Motion Filing Deadline | October 15, 2021 |

15 3. The parties’ proposal to retain the existing December 12, 2021 Pretrial
16 Conference date is not compatible with the modified discovery and pretrial deadlines. Therefore,
17 the Scheduling Conference Order is FURTHER MODIFIED as follows:

| | |
|---------------------|---------------------------|
| Pretrial Conference | February 7, 2022 |
| | 1:30 PM |
| | Courtroom 4 (NONE) |

20 4. The parties are cautioned that additional modifications of the Scheduling Order
21 will not be granted absent a demonstrated showing of good cause. Fed. R. Civ. P. 16(b). Good
22 cause may consist of the inability to comply with court orders in light of the COVID-19
23 pandemic. Any such further difficulties should be explained.

24
25 IT IS SO ORDERED.

26 Dated: May 10, 2021

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE